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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,514	03/08/2001	Sridhar Obilisetty	VNET-P003	6110
7590	02/23/2005		EXAMINER	
WAGNER, MURABITO & HAO LLP				VU, TUAN A
Two North Market Street, Third Floor				
San Jose, CA 95113				
				ART UNIT
				PAPER NUMBER
				2124

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/803,514	OBILISETTY, SRIDHAR
	<b>Examiner</b>	<b>Art Unit</b>
	Tuan A Vu	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 27 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is responsive to the Applicant's response filed 7/27/2004.

As indicated in Applicant's response, claims 1, 5-6, 8, 13, 15, 17-18, 20, 25, 29-30, 32 have been amended. Claims 1-36 are pending in the office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloch et al., USPN: 2002/0129129 (hereinafter Bloch).

**As per claim 1**, Bloch discloses a method for implementing an application on a client computer system, said method comprising:

receiving at said client a plurality of text files; each defining a component of the application (e.g. Fig. 1; steps 66, 68, 70 - Fig. 5; Fig. 6; pg. 10-11, para 0095, 0096);  
executing a program resident on said client system for using a combination of said text files to create an application (e.g. *AVM 221* - Fig. 2); and  
creating said application on said client system according to said program (e.g. Fig. 2, 5).

But Bloch does not explicitly disclose checking automatically for updated versions of said text files. Bloch however addresses the urge for providing latest set of files in accordance to appropriate version of script file or virtual machine files with regard to version (e.g. para 0051-0053, pg. 5-6); hence has taught checking of files and their latest upgrade; and further discloses

parsing XML or HTTP text files and browser ( Fig. 5; para 0030, pg. 3). It is noted that a file version being included in the header of XML or HTTP files is implicitly disclosed owing to known browser/markup language technologies at the time the invention was made. In light of the desirability of updating browser files to meet the appropriate virtual machine or execution environment version as mentioned above along with the implicitly automated version/format compliance checking when markup files are processed by a browser engine, it would have been obvious for one of ordinary skill in the art at the time the invention was made to enhance the desire for version checking as shown by Bloch so that using the browser engine for automatically checking the text files for the latest upgraded file version because this would enable the executing environment to be provided with the appropriate files according to the version expected for such environment as addressed above.

**As per claim 2,** Bloch discloses XML format ( Fig. 1, 2, 4,5).

**As per claim 3,** Bloch discloses server central source for managing and distributing applications or modifications for applications (e.g. *upgrades, fixes* - pg. 3, para 0032; pg. 5, para 0045-0046; pg. 12, para 0109).

**As per claim 4,** refer to claim 3 and Bloch's Fig. 1, 2, 4,5.

**As per claim 5,** Bloch discloses executing an application, sending a request and executing the application in parallel while waiting for response from the request (e.g. ... *reports to the Application Handler 302, ... periodically updates* -- pg. 9, para 0080 – 0082 – Note: resolving a URL with data retrieval while leaving the GUI window on for being updated on tree events changes and notified of download status is equivalent to executing application while waiting for remote response)

**As per claim 6**, Bloch discloses connectionless application execution (e.g. pg. 8, para 0069; pg. 12, para 0108)

**As per claim 7**, Bloch discloses text files particular to client system (e.g. pg. 4, para 0037; pg. 5, para 0047, 0050)

**As per claim 8**, Bloch discloses modifying application by using a newer text files replacing older files (*upgrades, fixes* - pg. 3, para 0032; *most recent ... version* - pg. 12, para 0107).

**As per claim 9**, Bloch discloses graphical user interface (e.g. Fig. 6).

**As per claim 10**, Bloch discloses application being communication preferences for database invocation (e.g. pg. 7, para 0063; Preference Handler 303 - Fig. 4)

**As per claim 11**, Bloch discloses data management application (e.g. step 52 – Fig. 5; Manager 301 -Fig. 4 - Note: downloading files to assemble manager module reads on application being a management application).

**As per claim 12**, Bloch discloses component being part of logic of application (pg. 1, para 0012; pg. 4, para 0037).

**As per claim 25**, Bloch discloses a computer-readable medium having program code on a computer system to perform a method comprising:

installing a plurality of text files, each defining a component of the application (e.g. Fig. 1; steps 66, 68, 70 - Fig. 5; Fig. 6; pg. 10-11, para 0095, 0096);

installing a program wherein said program comprises instructions for using a combination of said text files to create an application (e.g. AVM 221 - Fig. 2); and creating said application on said client system according to said program (e.g. Fig. 2, 5)

receiving automatically any updated versions of said execution environment files (e.g. *to make sure ... most current versions ... download and install automatically--* para 0051-0053, pg. 5-6 ) in response to version checking.

But Bloch does not explicitly disclose automatically receiving any updated versions of said text files in response to version checking. Bloch teaches database storage for download support for version upgrades and the implicit version checking by browsers of markup files as set forth in claim 1. Thus, it would have been obvious for one of ordinary skill in the art at the time the invention was made to enhance Bloch deployment and XML processing environment so that not only script or virtual machine files, but also the text files such as the XML files are checked for update and automatic re-download, according to the version checking as known in browser technologies set forth in claim 1, because of the desirability to conform not only application files but also specification files, a concept inherent to browsers using XML metadata without which format and version conformance would potentially create application execution conflicts.

**As per claims 26-36,** these claims correspond to claims 2-12 respectively, hence are rejected with the corresponding rejections as set forth therein, respectively.

4. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloch et al., USPN: 2002/0129129 ( hereinafter Bloch), in view of Landsman et al., USPN: 6,314,451 (hereinafter Landsman).

**As per claim 13,** Bloch discloses a computer system with bus, processor coupled to a bus (*Client PC - Fig. 1; pg. 12, para 0108*) for implementing an application comprising the steps:  
receiving ( text files);  
executing (program resident);

creating (application). All these steps limitations have been addressed in claim 1; hence are rejected herein with the corresponding rejections as set forth therein, respectively.

But Bloch does not disclose uploading results from using said application to a server computer system. However, Bloch teaches legacy browsers (para 0048) so as to obviate redeploying using alternate means as well as remote persisting of records on reuseable user application data until the user decide to change the application preferences ( para 0069-0070, pg. 8). Landsman teaches a browser environment where the user can customize application-related preferences by providing mouse-clicking interface analogous to the user-driven method of Bloch. Retransmitting of deployed application results are evidenced further in Landsman's method wherein logs of application execution data are uploaded to a server (e.g. col. 31, line 62-67). Based on the desirability to persist user preferences and the implied benefits of legacy of schema being used for users as mentioned above, it would have been obvious for one of ordinary skill in the art at the time the invention was made to enhance Bloch server database records so that there is an uploading of application results as taught by Landsman so that improvement of previous results or user schema preferences would lend some insight as implied via Bloch's teachings or via the analysis of logs data by Landsman.

As per claims 14-24, these claims correspond to claims 2-12 respectively, hence are rejected with the corresponding rejections as set forth therein, respectively.

***Response to Arguments***

5. Applicant's arguments filed 7/24/2004 have been fully considered but they are not persuasive or moot in part due to corresponding new grounds of rejection.

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Applicant has submitted that claims 1, 13, and 25 are amended to include new limitations; and that should overcome Bloch. The current rejection has set forth the reasons why those limitations would have been obvious; these new grounds of rejection being necessitated by the amendments.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

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The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence – please consult Examiner before using) or 703-872-9306 ( for official correspondence) or redirected to customer service at 571-272-3609.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT  
February 12, 2005

*Kakali Chaki*

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